AQA

Please write clearly in block capitals.

Centre number | | | | | | Candidate number | | | | |

Surname _____

Forename(s) _____

Candidate signature _____
I declare this is my own work.

A-level
LAW

Paper 1

Friday 26 May 2023 | Morning | Time allowed: 2 hours

Materials
- You will need no other materials.

Instructions
- Use black ink or black ball-point pen.
- Fill in the boxes at the top of this page.
- Answer **all** questions. You must answer the questions in the spaces provided. Do **not** write on blank pages.
- If you need extra space for your answer(s), use the lined pages at the end of this book. Write the question number against your answer(s).
- Do all rough work in this book. Cross through any work you do not want to be marked.
- Questions should be answered in continuous prose. Give reasoned answers. Where appropriate, make reference to cases, statutes and examples.

Information
- The marks for questions are shown in brackets.
- The maximum mark for this paper is 100.

For Examiner's Use	
Question	Mark
1–5	
6	
7	
8	
9	
10	
11	
TOTAL	

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Answer **all** questions in the spaces provided.

Only **one** answer per question is allowed.

For each question completely fill in the circle alongside the appropriate answer.

CORRECT METHOD ⬬ WRONG METHODS

If you want to change your answer you must cross out your original answer as shown.

If you wish to return to an answer previously crossed out, ring the answer you now wish to select as shown.

0 1 Which **one** of the following can be used as evidence for the defence of diminished responsibility under s2 of the Homicide Act 1957?

[1 mark]

A The defendant acted in response to a qualifying trigger. ⬭

B The defendant acted proportionately to a threat of serious violence. ⬭

C The defendant's conduct was due to the effect of a drug. ⬭

D The defendant's mental functioning was substantially impaired. ⬭

0 2 Which **one** of the following statements about offences of strict liability is **true**?

[1 mark]

A A person may be liable even though they took all reasonable care. ⬭

B A sentence of imprisonment cannot be imposed. ⬭

C The actus reus need not be proven. ⬭

D The defendant must foresee a desired consequence. ⬭

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0 3 Which **one** of the following statements about the role of magistrates is **false**?

[1 mark]

A Magistrates can hear bail applications. ⬭

B Magistrates can impose a sentence of up to six months' imprisonment for offences triable summarily only. ⬭

C Magistrates can try indictable only offences. ⬭

D Magistrates sometimes sit with a judge in the Crown Court and hear appeals. ⬭

0 4 Which **one** of the following is the **best** reason for State funding (legal aid) being granted for a trial in a criminal case?

[1 mark]

A The defendant has been released on bail. ⬭

B The defendant has no previous convictions. ⬭

C The defendant has pleaded guilty. ⬭

D The defendant's trial will involve consideration of a substantial point of law. ⬭

0 5 Which **one** of the following is an example of an aggravating factor in sentencing?

[1 mark]

A The defendant has no previous convictions. ⬭

B The defendant has shown remorse. ⬭

C The defendant pleaded guilty. ⬭

D The defendant used a weapon during the offence. ⬭

5

Turn over for the next question

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0 6 Explain **two** aspects of the role of the judge in a criminal case.

[5 marks]

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0 7 Adil pushed Bina towards a crowd of people. The force from the push caused Bina to fall against Caleb, knocking him off balance.

Suggest why Bina does not satisfy the required actus reus for the offence of battery against Caleb.

[5 marks]

Extra space

5

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0 8

Dan volunteered to help his neighbour, Emma, build a patio in her garden. Emma asked that Dan clear a space for the patio and put any waste, including plants, in her rubbish bin. When Emma left Dan alone in the garden, he dug several plants out of the ground he was clearing. He then moved the plants and replanted them in his own garden.

When the patio was completed, Emma was so grateful for Dan's help that she told him to go into the kitchen and take £20 from her bag. Dan took £30 from Emma's bag as he believed he was entitled to more money because of the amount of time he had spent on the project.

Advise Dan of his criminal liability in relation to the theft of the plants **and** the extra £10.

[10 marks]

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10

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In Question **09** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

0 9 Examine the meaning of 'justice' and discuss the extent to which the law on non-fatal offences may achieve justice.

[15 marks]

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15

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In Question **10** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 0 Felix was wanted by the police. His best friend, Gabe, suggested that he drive Felix to his friend Harriet's house where he could hide. To avoid being seen by the police, Felix and Gabe decided that Felix should travel in the boot of the car. Although it was a very hot day, Gabe did not check on Felix during the three-hour journey. On arriving at Harriet's house, Gabe discovered that Felix was having trouble breathing. Felix was rushed to hospital but died later that day. The doctors reported that, unknown to Gabe, Felix had an underlying heart condition which was made worse by the heat.

Two days later Gabe was called to the police station. As he drove into the station's car park, he saw Harriet. Annoyed by the social media posts that Harriet had shared blaming him for Felix's death, Gabe opened his window and shouted at her. Harriet turned to him, began to laugh and started filming him on her mobile phone, stating, 'Now everyone can see the useless idiot who killed his friend!' Gabe was very short-tempered and, on hearing this, he became very angry and immediately accelerated towards Harriet, hitting her with the full force of the car. Harriet died instantly. It was later discovered that Harriet was pregnant and her unborn child was also killed due to the force of the impact.

Consider the criminal liability of Gabe for the death of Felix **and** of Gabe for the murder of Harriet **and** her unborn child.

[30 marks]

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In Question **11** you are required to provide an extended answer which shows a clear, logical and sustained line of reasoning leading to a valid conclusion.

1 1 Jalen believed Katie was having an affair with her husband, Leon. Jalen decided to send Katie a letter to scare her. The letter told Katie to stay away from Leon and threatened her with 'revenge' if she did not. When Katie opened and read the letter, she was very frightened.

A few weeks later, Jalen discovered that Leon had been texting Katie. After drinking a large amount of alcohol, she set out for Katie's house with an air rifle intending to injure her. Jalen could see the shape of a woman through a window and in her intoxicated state believed this to be Katie. She fired the rifle at the shape. However, Jalen had unknowingly selected the wrong house. Mary, Katie's neighbour, was hit by the shot and suffered deep cuts to her hand.

Consider the criminal liability of Jalen in relation to the threat to Katie **and** the injuries suffered by Mary.

Precedent will have played a significant role in the development of the rules of law applied to decide criminal liability in cases such as Jalen's. Assess the advantages of the doctrine of judicial precedent.

[30 marks]

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END OF QUESTIONS

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ANSWER IN THE SPACES PROVIDED

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